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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

FILE: B-204664

DATE: April 27, 1982

MATTER OF: AAA Engineering and Drafting, Inc.

**DIGEST:**

1. GAO will not reevaluate technical proposals or substitute its judgment for that of evaluation committee members, who have considerable discretion. Rather, GAO will examine record to determine whether judgment of evaluation committee was reasonable and in accord with listed criteria, and will consider whether there was any violation of procurement statutes and regulations.
2. Selection of criteria and corresponding weights is within agency's discretion, and will not be questioned absent showing that discretion was abused.
3. Where RFP does not require that proposed personnel be committed to contract and record indicates that successful offeror submitted resumes in good faith, no basis exists for questioning agency's evaluation of proposal on basis of personnel reflected therein.
4. Although agencies are required to identify the major evaluation factors applicable to a procurement, they need not explicitly identify aspects that are logically and reasonably related to the stated factors. Record shows that evaluators properly considered crew size as an aspect of the type of supervision contemplated by proposals.

5. Contention that firm's experience in related work--evaluated under a separate criterion--also should have been considered in conjunction with other major factors is without merit. For the agency to have evaluated experience in related work both as an independent evaluation factor and in conjunction with other factors would have exaggerated the importance of related experience, contrary to the announced evaluation scheme.
6. Evaluation committee's use of consensus rather than average scoring is not objectionable where request for proposals neither mandated nor precluded either method.
7. Whether terms of contract are met is a matter of contract administration, which is the responsibility of procuring agency, not GAO. Further, awardee's contract performance is not valid basis to show agency's evaluation of awardee's proposal was improper.

AAA Engineering and Drafting protests the award of a contract to SEC, Inc. under request for proposals (RFP) No. R4-03-81-8 issued by the United States Department of Agriculture, Forest Service, Jackson, Wyoming. For the reasons discussed herein, we deny the protest.

The solicitation called for the performance of a timber stand examination inventory in the Bridger-Teton National Forest, and divided the required work into four groups of sample points identified in the schedule as items 1a through 1d. The RFP requested prices for each of the four items, and provided that a cost evaluation based on prices proposed for item 1a would count 20 percent in selecting the awardee. The technical evaluation would be based on four weighted factors, listed in the RFP as follows: (1) Qualifications and experience of project leader(s) and field personnel: (a) Education; (b) Experience (25 percent); (2) Time planned for and type of supervision of field crews (25 percent); (3) Experience in related work (10 percent); and (4) Soundness of proposal (20 percent).

After the RFP was issued, the Forest Service established a number of subcriteria and corresponding numerical values. The subcriteria which AAA contends were improperly implemented are:

<u>[Criteria]</u>	<u>Points</u>
1. Qualifications and experience (weight 25%)	Max. 100
(a) Project Leader(s) (10%)	Max. 40
(2) Experience in inventory or related measurements	Max. 30
1-2 years	10
3-4 years	20
5+ years	30
b. Field Personnel	
(2) Experience in inventory or related measurements	Max. 40
1-2 years	10
3-4 years	25
5+ years	40
2. Time planned for and type of supervision (weight 25%)	Max. 100
b. Span of Control (10%)	Max. 40
Supervision time expressed as a percent of total project crew hours with percentages assigned the following points:	
20%	40
15%	30
10%	20
5%	5

## Notes:

4. Years of experience will be determined as well as possible from proposal. A season of three to six months of work will be counted as one year.

Technical evaluation of the six proposals received was conducted by a three-person evaluation committee. After the evaluators individually assigned

the proposals numerical scores under each of the four criterion headings, the committee members jointly scored and ranked the proposals. As a result of this process and the subsequent cost evaluation, three offerors were eliminated from the competitive range. The remaining three offerors were requested to submit best and final offers which were ranked as follows:

Item 1a (cost)	Technical Score
SEC \$71,400.56	70.5
AAA 69,278.00	62.5
Jackson/Prochnau 85,108.76	71.0

The Forest Service selected SEC for award.

In a letter debriefing the protester, the agency explained that the evaluation committee found AAA's technical proposal deficient in several areas. First, the letter noted that the evaluation committee determined under the criterion heading "Qualifications and experience" that neither the project leader's nor the field employees' experience qualified for maximum credit. Second, the letter stated that the committee downgraded AAA's proposal in the category "Time for and type of supervision" since the protester proposed a supervision ratio of two supervisors for 14 crewmen, or 13 percent time supervised. In this connection, it was also noted that the firm's supervisors would have a minimal span of control over the "widely scattered" one-man crews proposed by AAA.

The protester asserts that AAA received too low a technical score and that SEC's score was too high. Also, AAA maintains that the second phase of the technical evaluation process was conducted in an arbitrary manner.

Before discussing the specific complaints raised by AAA, we note that in resolving cases in which a protester, as here, challenges the validity of a technical evaluation, this Office does not rescore proposals or otherwise substitute its judgment for that of evaluation team members. The purpose of our review is to determine whether the judgment of the evaluation team was reasonable and in accord with listed criteria, and to consider whether there was any violation of procurement statutes and regulations. See John J. McMullen Associates, Inc., B-196281, June 2, 1981, 81-1 CPD 433.

Also, we note that our decision on this matter is based in part on data included in the evaluators' individual scoring sheets; this information was forwarded to us by the Forest Service for our in camera review, and has not been disclosed to the protester.

Summaries of AAA's principal allegations and our comments follow.

ALLEGATION: The evaluation committee improperly confined its review of the project leader's experience to a determination of the number of years of his experience in timber inventories and related measurements. Although AAA's project leader had only four years of relevant experience, and therefore was properly classified in the three-to-five year range, the Forest Service should have considered that AAA's project leader completed 34 forestry contracts totaling more than \$726,000 during the four-year period; in contrast, SEC's project leader has completed only 20 forestry contracts totaling \$400,000 during his 15 years of experience.

COMMENT: It is well settled that a determination of an agency's minimum needs and the selection and weights of evaluation criteria to be used to measure how well offerors will meet those needs are within the broad discretion entrusted to agency procurement officials. Augmentation, Inc., B-186614, September 10, 1976, 76-2 CPD 235.

AAA does not contend that the Forest Service abused its discretion in selecting "years of experience" as a subcriterion; instead, the protester maintains that the evaluators also should have considered the number of forestry contracts completed and volume of sales generated by the project leader..

Obviously, there are several ways in which proposals can be measured against a broadly stated evaluation criterion. For example, when experience is the criterion, the period of time over which the experience has been obtained is one possible measurement. The quality of the experience is another. How extensive the experience was during the time involved is still another. It is up to the agency to determine which measurement or combination of measurements should be used to determine the proposal most advantageous to the Government, and we will not object to how an agency evaluates proposals against a stated RFP criterion unless the evaluation approval is inconsistent with the stated criterion or is otherwise without

a reasonable basis. See GTE/IS Facilities Management Corp., B-186391, September 7, 1977, 77-2 CPD 176.

Here, while the agency could have evaluated proposals as AAA suggests, it also could limit the experience evaluation as it did since the approach used is consistent with the broad factor listed in the RFP and otherwise has not been shown to be unreasonable. At best, AAA has shown only that it would have been more advantageous to AAA had the Forest Service evaluated experience differently.

**ALLEGATION:** Although the agency has not disclosed the numerical scores assigned AAA's field personnel under the subcriterion "Experience in inventory or related measurements," it is apparent that AAA received an unreasonably low score in this category. The agency should have determined that AAA's field employees had more than two years experience since AAA's proposal indicated that its foresters averaged over 12 months experience in timber inventories, and each season of three to six months was to count as one year. On this basis, the experience of AAA's foresters should have been classified in the three-to-four year category and assigned a score of 25 points.

Also, a comparison of AAA's and SEC's proposals shows that AAA's foresters had four times more experience in timber inventories than SEC's foresters and had been employed by the corporation more than four times as long. These differences were overlooked by the evaluators.

**COMMENT:** As noted previously, the field personnel/experience subcriterion was broken down into three categories: (1) one-two years (10 points), (2) three-four years (25 points), and (3) five or more years (40 points). The evaluators' scoring sheets for this subfactor show that the numerical scores assigned AAA ranged between the one-two year and three-four year categories. Since AAA's proposal indicates that its personnel average slightly more than two years of experience (an average of 12.2 months broken down into two six-month seasons), and there was no two-three year category listed on the evaluation sheet, we have no basis for questioning the reasonableness of the range of scores assigned by the evaluators.

Furthermore, we do not agree that the evaluators should have compared the proposals and given weight to the fact that AAA's foresters were four times more experienced than SEC's foresters. As pointed out by the agency, the committee was instructed to evaluate each proposal against the stated

evaluation criteria and not against the competing proposals. In any event, we note that SEC was consistently rated lower than AAA under the field personnel/experience subcriterion.

ALLEGATION: The Forest Service made no effort to determine whether the field personnel proposed by SEC were committed to the firm. At the time SEC submitted its proposal, only two of the 21 foresters described therein were currently employed; after SEC was awarded the contract, it commenced performance with only nine foresters.

COMMENT: As a general rule, personnel proposed in an offer need not be presently employed by the offeror to be considered in proposal evaluation. Panuzio/Rees Associates, B-197516, November 26, 1980, 80-2 CPD 395. In Kirschner Associates, Inc., B-187625, June 15, 1977, 77-1 CPD 426, we held that the agency's evaluation of an offeror's key personnel, even though some were charged after award, was not objectionable since the names were submitted in good faith by the offeror with the consent of the respective individuals. In Bokonon Systems, Inc., B-189064, April 19, 1978, 78-1 CPD 303, the protester argued that the agency's technical evaluation of the proposals was improper because few, if any, of the personnel whose resumes were submitted by the successful offeror were utilized in performing the work. We determined that the agency's evaluation of the proposals on the basis of personnel reflected therein was unobjectionable in view of the absence of an RFP provision specifically requiring offerors to furnish evidence of personnel commitments. See also QED Systems, Inc., B-189410, December 15, 1977, 77-2 CPD 467.

In this case, the RFP did not require that proposed personnel be committed to the contract. The solicitation merely required offerors to address the four criteria, one of which pertained to the qualifications and experience of field personnel. SEC indicated in its proposal that the personnel described therein included those who "are presently on our staff and those who have expressed an interest in working on this project." SEC neither misrepresented the employment status of the foresters proposed for the project, nor did it state that employees not presently employed would be hired in the future. Under these circumstances, we believe that SEC submitted the foresters' resumes in good faith, and, accordingly, we find no basis for questioning the agency's evaluation of SEC's proposal on the basis of the personnel described therein.

ALLEGATION: The evaluators improperly determined under the criterion heading "Time planned for and type of supervision" that AAA's proposal contemplated a supervision ratio of two supervisors to 14 crewmen, or 13 percent time supervised. AAA should have received maximum credit in this category since its proposal indicated a 3/14 supervision ratio, or 21 percent time supervised, in contrast to the lower 3/21 ratio proposed by SEC.

COMMENT: AAA apparently views its project leader as a third on-site supervisor. Its proposal, however, indicates that the project leader's duties would be largely administrative; he would be at the project site to observe and manage "as required," and would otherwise learn of project activities through weekly reports transmitted by the two field managers. In contrast, SEC's proposal indicates that the project leader would work in conjunction with the two field managers at the project site, at least during the initial stages of contract performances. Therefore, this aspect of the evaluation appears to be reasonable.

ALLEGATION: The Forest Service improperly considered AAA's use of one-man crews in evaluating its proposal under the criterion pertaining to supervision. Since the RFP did not prohibit or otherwise refer to the use of one-man crews, the Forest Service was not entitled to consider this aspect of AAA's proposal in its evaluation.

COMMENT: Although agencies are required to identify the major evaluation factors applicable to a procurement, they need not explicitly identify the areas of each which might be taken into account. All that is required is that those aspects not identified be logically and reasonably related to or encompassed by the stated evaluation factors. Buffalo Organization for Social and Technological Innovation, Inc., B-196279, February 7, 1980, 80-1 CPD 107.

Here, the RFP listed "Time planned for and type of supervision" as a principal criterion. We believe that evaluation of the type of supervision contemplated by a proposal could reasonably include consideration of crew size and its effect on dispersion of personnel. Therefore, we do not agree that the evaluators acted improperly in considering AAA's use of one-man crews.

ALLEGATION: AAA has successfully performed similar contracts using one-man crews and applying the supervision ratio described in its proposal. The evaluators improperly failed to take account of this fact.



COMMENT: The firm's experience in related work was evaluated under a separate criterion. Consideration of related experience in conjunction with the other major factors would have exaggerated the importance of such experience to the evaluation, contrary to the announced evaluation scheme. See Mutual of Omaha Insurance Company, B-201710, January 4, 1982, 82-1 CPD 2.

ALLEGATION: The evaluation committee acted arbitrarily because it failed to follow objective guidelines in determining the final weighted score for each proposal. A review of the joint scoring sheet indicates that the committee did not average the evaluators' individual scores under each criterion heading to arrive at a final score for that criterion; instead, the members disregarded the individual ratings and jointly assigned the proposals new scores.

COMMENT: Although the evaluation committee did, as AAA asserts, use consensus scoring rather than averaging, there was nothing in the RFP which mandated or precluded either method. Accordingly, we will not question the reasonableness of the committee's choice of evaluation methods. See BDM Corporation, B-201291, June 26, 1981, 81-1 CPD 532.

ALLEGATION: SEC has failed to perform in a timely manner and therefore GAO should direct the Forest Service to terminate the contract for default and to resolicit its requirements. Furthermore, SEC's inadequate performance reflects the improprieties which occurred during the evaluation process.

COMMENT: The timeliness and adequacy of SEC's performance is a matter of contract administration which is the function and responsibility of the procuring activity. New Jersey Association on Correction, B-199680, April 9, 1981, 81-1 CPD 272. If it is determined that the awardee is not meeting the contract terms, the contract may be terminated for default. However, as indicated, this is a matter for the procuring agency, and is not one which we consider under our bid protest procedures. Anderson's Complete Cleaning Service, B-200261, September 23, 1980, 80-2 CPD 223. Furthermore, a contractor's performance does not establish that the selection of the contractor or the evaluation of the contractor's proposal was improper. Delta Systems Consultants, Inc.--Reconsideration, B-201166.2, July 31, 1981, 81-2 CPD 72.

The protest is denied.

for *Milton J. Fowler*  
Comptroller General  
of the United States